THE HON'BLE Mr. JUSTICE V.ESWARAIAH

-

WRIT PETITION No. 22977 of 2005

DATED:25-10-2005

-

Between:

Vittal Naik, son of Sri Sakraiah Naik,

Aged about 45 years, Occ: Agriculture,

Resident of Balkamchalka,

Thanda of Bachepally (V), Kalher Mandal,

Medak District. ……Petitioner

AND

1. The Election Officer, Primary Agricultural

Co-operative Society,j Bachepally, Kalher Mandal

Medak District and another ….Respondents

THE HON'BLE Mr. JUSTICE V.ESWARAIAH

-

WRIT PETITION No. 22977 of 2005

ORDER:

The petitioner has filed the present writ petition seeking for a direction particularly in the nature of writ of Mandamus, to declare the action of the 1st respondent in publishing the 2nd list in Form-IV deleting the name of the petitioner as eligible

candidate for election to the Managing Committee Member, Constituency No.III of the Primary Agricultural Co-Op. Society, Bachepally, Kalher Mandal, Medak District as arbitrary and illegal and consequently, direct the respondents to allow/permit him to contest the election to be held on 26-10-200 in pursuance of the list of valid nominations published on 19-10-2005.

The case of the petitioner is that he belongs to S.T. Community and he is voter of the Primary Agricultural Co-operative Society, Bachelpally Village, Kalher Mandal, Medak District. The 1st respondent issued election notice in R.C.No.1/2005 for conducting election to the Committee of the PACS, Bachepally Village and he filed his nomination for the constituency of Ward No.III. The 1st respondent issued Form No.IV listing out the valid nominations after scrutiny and notified and published on 19-10-2005 and his name is shown at Sl.No.4 under the Ward No.III of PACS, Bachepally. Later, the 1st respondent issued another list of valid nominations in Form No.IV by deleting his name and another with antedate. Hence, the present writ petition.

The learned Counsel for the petitioner submits that initially, the nomination filed by the petitioner for Ward No.3 was validly accepted and the valid nominations were also published on 19-10-2005. But, again second edition was published deleting the name of the petitioner and therefore, the action of the respondents, is arbitrary.

At this stage, it is brought to the notice of this Court by the learned Government Pleader for Co-operative Societies appearing for the respondents that the nomination of the petitioner has been rejected on the ground that he is having four children and therefore, the writ petition is liable to be dismissed.

In view of the submission made by the learned G.P., the W.P. is liable to be dismissed. However, the dispute as to whether he beget more than three children, disqualifying the petitioner to be chosen as a member of the Managing Committee, is a matter to be decided in an appropriate election petition only.

Subject to the above observation, this writ petition is dismissed. No costs.

25th October, 2005

bud